

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

EDWARD RAY SMITH, )  
                        )  
Plaintiff,           )  
                        )  
v.                    )         **JUDGMENT**  
                        )  
                        )  
                        )         No. 5:16-CV-194-FL  
                        )  
NANCY A. BERRYHILL, )  
Acting Commissioner of Social Security, )  
                        )  
Defendant.           )

**Decision by Court.**

This action came before the Honorable Louise W. Flanagan, United States District Judge, for consideration of the parties' motions for remand, plaintiff's motion for summary judgment, and the memorandum and recommendation of the United States Magistrate Judge, to which no objections were filed.

**IT IS ORDERED, ADJUDGED AND DECREED** in accordance with the court's order entered September 5, 2017, and for the reasons set forth more specifically therein, that defendant's motion is granted in part and denied in part, and this matter is remanded to defendant pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings. Plaintiff's motion for remand and motion for summary judgment are denied as moot.

**This Judgment Filed and Entered on September 5, 2017, and Copies To:**

Cynthia M. Currin (via CM/ECF Notice of Electronic Filing)  
Lisa M. Rayo (via CM/ECF Notice of Electronic Filing)

September 5, 2017

PETER A. MOORE, JR. CLERK

/s/ Susan W. Tripp

(By) Susan W. Tripp, Deputy Clerk